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On October 5, 2004

TOWNSEND and TOWNSEND and CREW LLP

By: Aaron Kramura

PATENT

Docket No.: 02307E-099810US  
Client Ref. No.: 1999-373-2

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Gwynne Attarian, et al.

Application No.: 09/747,385

Filed: December 22, 2000

For: FUSOBACTERIUM NUCLEIC  
ACIDS, PLASMIDS AND VECTORS

Examiner: D. Lambertson

Art Unit: 1636

**Request to Withdraw**

**Holding of Abandonment**

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Sir:

Counsel for Assignee is in receipt of the Notice of Abandonment Under 37 CFR 1.53(f) or (g), dated August 24, 2004, for failure to respond to the Office Action, dated October 7, 2003. A review of the file indicates that a response was, in fact, filed timely with U.S. Patent Office via first class mail on April 7, 2004. Pursuant to 37 C.F.R. § 1.8, a Certificate of Mailing signed by Joy M. Marshall and dated April 7, 2004 was included with the submission, along with the appropriate Petition for Extension of Time. This response was received by the Patent Office

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PATENT

Mailroom on April 12, 2004, as indicated by the copy of the date-stamped return receipt postcard attached hereto.

Since it appears that the response was received by the Patent Office, counsel for Assignee respectfully requests that the Office withdraw its holding of abandonment and reinstate the application for further prosecution. A courtesy copy of the response as filed on April 7, 2004, is also enclosed.

Because this application was abandoned as a result of an error in the U.S. Patent Office, counsel believes that no fee is required for this request. If, however, it is determined that a fee is appropriate, please charge such fee to Deposit Account 20-1430. A copy of this sheet is provided for such purpose.

Respectfully submitted,



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